



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/652,986	08/28/2003	Shigenori Tomonaga	16869S-092800US	2985

20350 7590 05/18/2006

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

SIDDIQI, MOHAMMAD A

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 05/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/652,986

Applicant(s)

TOMONAGA ET AL.

Examiner

Mohammad A. Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02/07/2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,7-9,11 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,7-9,11 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1, 3-5, 7-9, and 11-12 are presented for examination. Claims 2, 6, and 10 have been cancelled.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/07/2006 has been entered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1, 3-5, 7-9, and 11-12 are rejected under 35 U.S.C. 102(e) as being anticipated by Yanai et al. (6,502,205) (hereinafter Yanai).

5. As per claim 1, Yanai discloses a computer-readable storage medium having a program for use in an information processing apparatus having a function of displaying at a user interface a plurality of management information items expressing access status (user interface provides configuring and monitoring capabilities, col 12, lines 56-67 and col 13, lines 1-6) of a communication path for sending a data input/output request to a storage device and returning result of the access request to said information processing apparatus, said storage device (20, 48, fig 1) having a plurality of disk drives (22a, 22b, fig 1) and a disk controller (16, 44, fig 1) controlling to store data to at least one logical volume corresponding to the plurality of disk drives said communication path (40, fig 1) providing communication between a host port of said information processing device (elements of fig 1), a disk controller port of said disk controller, a communication cable connecting between said host port and said disk controller port, and a logical volume of said storage device (user interface provides configuring and monitoring capabilities, col 8, lines 18-23; col 12, lines 56-67; col 13, lines 1-6), said program comprising:

code for updating at least one of said management information items being displayed to express present access status of said communication path when detecting that access failure occurs (15, lines 42-54) at said communication path based on an access to said storage device (status access, col 8, lines 18-23; col 12, lines 56-67; col 13, lines 1-6), and/or updating at least one of said management information items being displayed when receiving from said user interface an input for updating said management information items being displayed (configuring anticipates parameters and monitoring anticipates status of the paths, col 8, lines 18-23; col 12, lines 56-67; col 13, lines 1-6),

code for displaying information between a communication path ID of said communication path (col 8, lines 18-23; col 12, lines 56-67; col 13, lines 1-6; col 47, lines 1-6), a disk controller port ID of said disk controller port, a logical volume ID of said logical volume of said storage device, and state of said communication path indicating off-line or on-line (col 8, lines 18-23; col 12, lines 56-67; col 13, lines 1-6; col 47-48, see the parameters for displaying purpose); and code for changing the state of said communication path from on-line (col 32, lines 13-16) to off-line based on receiving failure information from said storage device (col 32, lines 1-16), said failure information being related to failure of said communication path (col 8, lines 18-23; col 12,

lines 56-67; col 13, lines 1-6; col 32, lines 1-16; col 47-48, see the parameters for displaying purpose).

6. As per claim 3, Yanai discloses in accordance with an input for updating said management information items being displayed, all of said management information items being displayed or part of said management information items being displayed is updated to express present access status of a communication path (status access, col 8, lines 18-23; col 12, lines 56-67; col 13, lines 1-6).

7. As per claim 4, Yanai discloses part of said management information items to be updated includes at least one of an execution number of data input/output as performed between said storage device and said information processing apparatus and a number indicative of access failure occurred at said communication path in proper execution of said data input/output (status access, col 8, lines 18-23; col 47-52, messaging examples).

8. As per claim 5, the claim is rejected for the same reasons as claim 1, above.

9. As per claim 7, the claim is rejected for the same reasons as claims 5 and 3, above.

10. As per claim 8, the claim is rejected for the same reasons as claims 5 and 4, above.

11. As per claim 9, the claim is rejected for the same reasons as claim 1, above.

12. As per claim 11, the claim is rejected for the same reasons as claims 9 and 3, above.

13. As per claim 7, the claim is rejected for the same reasons as claims 9 and 4, above.

Response to Arguments

14. Applicant's arguments with respect to claims 1,3-5,7-9, 11 and 12 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 5,889,935 teaches disaster control features for remote data copying.

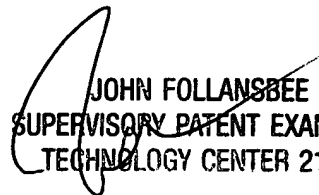
U.S. Patent 6,260,155 teaches switching off-line to online and vice versa

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS


JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100